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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,420	02/02/2001	R. Steven Schultz	01153.0001U3	4087

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 NEEDLE & ROSENBERG, P.C.  
 SUITE 1000  
 999 PEACHTREE STREET  
 ATLANTA, GA 30309-3915

EXAMINER
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FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/776,420

Applicant(s)

SCHULTZ ET AL.

Examiner

Daniel S Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Receipt of the Amendment filed March 18, 2005 amending claims 1, 6, 11, 17 and 25 and canceling claim 26 is acknowledged. Claims 1-25 remain pending in the application and are presented to be examined upon their merits.

### *Response to Arguments*

2. Applicant's arguments filed March 18, 2005 have been fully considered but they are not persuasive. The applicant has amended the claims (at least 1, 6, 11, 17) to read,

Converting a selected record stored in the centralized data base into a selected one of a plurality of *data formats*, wherein the buyer associated with the selected record may perform one of a plurality of organizational functions for the converted record.”

And asserts that the office action fails to establish a prima facie case of obviousness of the subject matter of claims 1-25. The applicant is respectfully reminded that a prima facie case of obviousness does not require that the prior art references necessarily recognize or even suggest the problem that the applicant is attempted to solve. [see *In re Dillon*, 919 F.2d 688, 16 USPQ2d 1897 (Fed. Cir. 1990)]. In the Office Action of July 21, 2003 a prima facie case was provided based upon the fact that Ray contemplates the use of smart cards/credit cards, and that a person of ordinary skill in the art at the time of the invention would employ the database feature(s) cited in Pitroda to recall transactional information as a means of security against fraudulent or accidental practices where the buyer receives a purchased item by mistake or by trickery (see Office Action dated July 21, 2003; page 3, lines 17+).

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It is also maintained that the new claim language is not sufficient to overcome Ray in view of Pitroda. Pitroda suggests the use of a plurality of data formats because of the ability to interface with a variety of mainframe computers for special applications (see col. 10, ll. 40-64; and col. 11, ll. 19+). It is notoriously old and well known that many applications can (and are) stored in a database (or in memory) in a generic format (such as ASCII text format) and converted to formats that one or more applications can use. It is maintained that Pitroda suggests data can be converted into a plurality of data formats (based upon the application being used) to perform a plurality of organizational functions (i.e., medical card, credit card, bill payment, etc.,

Regarding claim 16, Pitroda discloses an online analysis system which the examiner interprets as financial analysis since transactions are analyzed (see Pitroda, col. 11, ll. 19-30). Thus the rejection of this claim is also maintained.

Claims 2-5 depend from claim 1 and claims 7-10 depend from claim 6 and claims 12-15 depend from claim 11 and claim 18-23 depend from claim 17 and remain rejected. ). Thus the rejection of claims 1-25 are maintained to include the applicant's currently filed amendments filed March 18, 2005 being addressed below for the applicant's convenience.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are under rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al (6,067,529) in view of Pitroda (US 5,884,271)

Ray discloses a method, system and computer system for collecting electronic receipts for purchases

(a) conducting a sales transaction between a buyer and a seller (see Ray, col. 3, 11. 26+)

(b) generating an electronic receipt including information describing the purchase (see Ray, Abstract) and

(c) transmitting the receipt via a computer network to a computing device operated by or on behalf of the buyer, the buyer being presented via a user interface of the device with a representation of the information describing the purchase (see Ray, col. 2, 11. 23-44); and including information indicating completion of the transaction (see Ray, col. 3, 11. 26-40).

Ray's system stores transport addresses within the Gatekeeper device in order to provide information related to customer receipts (see Ray, col. 4, 11. 14-4%. However, Ray fails to

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disclose storing in a centralized database accessible to the buyer a record of each receipt generated for each transactions of the plurality of transactions. Pitroda discloses electronic delivery of electronic receipts wherein electronic receipts are stored in a database and accessible to the buyer (see Pitroda, col. 11, 11. 4-30; and col. 12, 11. 18-26).

Since Ray contemplates the use of credit cards/smart cards (see Ray, col. 3, 11. 26+), it would have been obvious for an artisan of ordinary skill in the art at the time of the invention to employ the aforementioned features disclosed in Pitroda, because an artisan at the time of the invention of would have sought to use a database (and/or memory) to recall transactional information as a means of security against fraudulent or accidental practices where the buyer receives a purchased item either mistakenly or by trickery. Thus to employ the database (and/or memory), as disclosed by Pitroda into the Ray system would have been an obvious expedient well within the ordinary skill in the art.

***Regarding claims 2-5, 7-10 and 12-15:***

Ray in view of Pitroda discloses, as in claims 2, 7, and 12, generating aggregate information in response to stored receipts', and providing the aggregate information to one of the sellers (see Pitroda, col. 11, 11. 4-30). claims 3-5, 8-10 and 13-15 disclose the receipt generator retrieving the found records and transmitting representations of the found records to one of the buyers, adding information to a found record, associating the added information with the found record in the database, and downloading information in the format records to financial software as indications of purchases (see Pitroda, col. 11, 11. 4-30).

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Converting a selected record stored in the centralized data base into a selected one of a plurality of data formats, wherein the buyer associated with the selected record may perform one of a plurality of organizational functions for the converted record (see Pitroda, col. 10, ll. 40-64; and col. 11, ll. 19+).

*Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF  
May 25, 2005

Daniel S Felten  
Examiner  
Art Unit 3624



**VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**